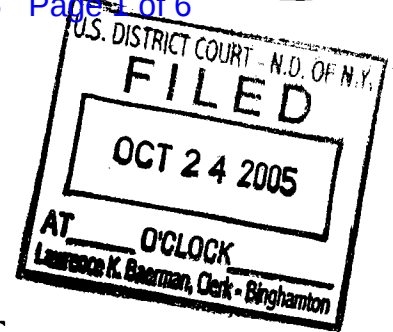


*Served
10/24/05
CME*



IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

05-CR-270
[TJM]

DAVID J. FALSO,
DEFENDANT.

STIPULATION IN SUPPORT OF SPEEDY TRIAL

EXCLUSION

Thomas R. Cline states as follows:

1. I am an attorney, duly licensed to practice in the State of New York, and admitted to the Bar of the United States District Court for the Northern District of New York. I have recently been retained as co-counsel, with Thomas A. Saitta, Esq., for the defendant herein, substituting for Mark D. Suben, Esq. As such, I am fully familiar with the facts and circumstances of this case as they have been made known to the defense to date.

2. For the reasons set forth herein, with the consent of the government and pursuant to the provisions of Title 18, United States Code, Section 3161(h)(8)(A) and (B), the ends of justice

served by the exclusion of a period of **60 days** outweigh the interest of the public, the defendant and the government in a speedy trial within the meaning of that statute.

3. As we have just entered the case as defense counsel, we believe that, absent the period of exclusion sought in this stipulation, both the defendant and the government would be denied reasonable time necessary for effective and coherent case preparation, including the filing of necessary pretrial motions and the consultation essential to an informed decision as to the advisability of entering into a plea agreement.


4. This case is, by its nature, an unusual and complex case, in that the indictment pending against Mr. Falso alleges 242 counts claiming the possession and production of child pornography and traveling to several countries to engage in sexual activities with minors. A number of these counts involve evidence allegedly obtained from a computer hard drive and/or evidence of conduct in a number of foreign countries.

5. The government joins in this application, as is indicated by the signature of the Assistant United States Attorney below.

6. Therefore, it is respectfully requested that a period of **60 days** be excluded from the otherwise applicable time provisions of the Speedy Trial Act (Title 18, United States Code, Section 3161, et seq. Based upon the above facts and pursuant to the provisions of Title 18, United States Code, Section 3161(h)(8)(A) and (B), it is submitted that the ends of justice served by such exclusion of time outweigh the interest of the public, the defendant and the government in a speedy trial within the meaning of the statute. Absent such exclusion, the defendant and the government would, under the circumstances, be denied the reasonable time necessary for

effective preparation and essential discussion as to the advisability of entering into a plea agreement.

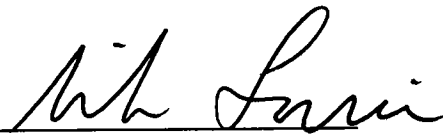
Respectfully submitted,



Thomas R. Cline
Co-Counsel for Defendant

Dated: October 20, 2005

Consented and agreed to by:



Miroslav Lovric
Assistant United States Attorney

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA

-v-

**05-CR-270
[TJM]**

**DAVID J. FALSO,
DEFENDANT.**

FINDINGS OF FACT AND ORDER OF THE COURT EXCLUDING TIME

The Court, having reviewed the application of Thomas R. Cline, Esq., hereby makes the following findings of fact and does hereby **Order** the following based upon those findings and the facts presented in the application of Thomas R. Cline, Esq., pursuant to the provisions of Title 18, U.S.C., Sections 3161(h)(8)(A)&(B).

THE COURT FINDS THAT:

1. For the reasons articulated in this application and pursuant to the provisions of Title 18, U.S.C., Section 3161(h)(8)(A)&(B) the ends of justice served by the exclusion of a period of **60 days** outweighs the interest of the public, the defendant, and the government in a speedy trial, within the meaning of Title 18, United States Code, Section 3161(h)(8)(A)&(B). Absent the exclusion period sought in this case of **60 days**, the defendant and the government would be

denied the reasonable time necessary for effective case preparation, taking into account due diligence, including making the most informed decision possible as to the advisability of entering into a plea agreement.

2. In the current indictment, defendant Falso has been charged with 242 counts relating to child pornography, production of child pornography, traveling to engage in sex with minors, and other offenses. This indictment covers a period of approximately 5 years worth of conduct. Discovery has been provided and also made available to defendant and it is still being reviewed and analyzed by the defense. New counsel has very recently been substituted on behalf of the defendant.

3. This case by its nature is unusual and complex pursuant to Title 18, U.S.C., Section 3161, in that, the 242 charges relate to conduct occurring over a period of several years and conduct which included travel to multiple foreign countries. The case also involves the need for extensive scientific and technical computer analysis.

4. The government joins in this application.

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

A period of 60 days applicable to Indictment 05-CR-270, **beginning from the date of this order**, shall be excluded from the otherwise applicable time provisions of the Speedy Trial Act (Title 18, United States Code, Section 3161 et seq.), based upon the findings of fact set forth herein and in the application of Thomas R. Cline, Esq., all pursuant to Title 18, United States Code, Sections 3161(h)(8)(A)&(B).

AS TO INDICTMENT 05-CR-270:

- A. Defense Motions shall be filed on: 12/28/05
- B. The government's response papers shall be filed on: 1/10/06
- C. The motions are returnable on 1/27/06, at the Federal Courthouse in Bingham, New York at 10:00am.
- D. The trial in this matter is scheduled for and shall commence on 1/17/06, at the Federal Courthouse in Bingham, New York at 10:00am.

DATED: October 24, 2005.

Thomas J. McAvoy
THOMAS J. MCAVOY
Senior Judge, United States District Court
Northern District of New York